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Attorneys for Defendant

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

REYMUNDO PEREZ and JERREL DOANE,	)	Case No. C 05-05338 PJH
individually and on behalf of others similarly	)	
situated and on behalf of the general public,	)	STIPULATION AND [ <del>PROPOSED</del> ]
	)	ORDER FOR STAY OF JUDGMENT
Plaintiffs,	)	AND APPROVAL OF SUPERSEDEAS
	)	BOND
v.	)	
	)	
SAFETY-KLEEN SYSTEMS, INC., a	)	
Wisconsin corporation, and DOES 1 through 100,	)	
inclusive,	)	
	)	
Defendant.	)	

1 WHEREAS, on March 15, 2010, the Court issued an Order Granting Motion for  
2 Attorney's Fees, awarding \$\$3,500.41 in costs and 320,497.63 in attorneys' fees to Plaintiffs.  
3 Docket No. 218;

4 WHEREAS, Defendant timely filed its Notice of Appeal on April 12, 2010. Docket No.  
5 219;

6 WHEREAS, Defendant has agreed to pay, and is in the process of paying, the costs, and  
7 plaintiffs have agreed to acknowledge satisfaction of that part of the order, and are in the process  
8 of doing so, leaving solely the fee award for the appeal;

9 WHEREAS, Defendant has obtained a supersedeas bond from Berkeley Regional  
10 Insurance Company, a recognized Federal surety, and a licensed surety in the State of California.  
11 The bond from Berkeley Regional Insurance Company is in the amount of \$480,746.45, which is  
12 one and a half times the amount of the fee award. A copy is attached as Exhibit A.

13 NOW THEREFORE, the parties agree and stipulate that the Court may enter an order:

- 14 1. Approving the supersedeas bond attached as Exhibit A and deeming it filed;  
15 2. Staying enforcement of the award pursuant to Fed. R. Civ Pro. 62(d);  
16 3. Directing that Defendant shall notify plaintiffs' counsel within one day in the  
17 event that the bond is released or not renewed or rendered null for any reason.

18 DATED: May 18, 2010

BARRON E. RAMOS  
19 HENDERSON CAVERLY PUM & CHARNEY LLP  
20 EDGAR LAW FIRM

21 By s/Jeremy R. Fietz  
22 Jeremy R. Fietz  
23 Attorneys for Plaintiffs  
REYMUNDO PEREZ and JERREL DOANE

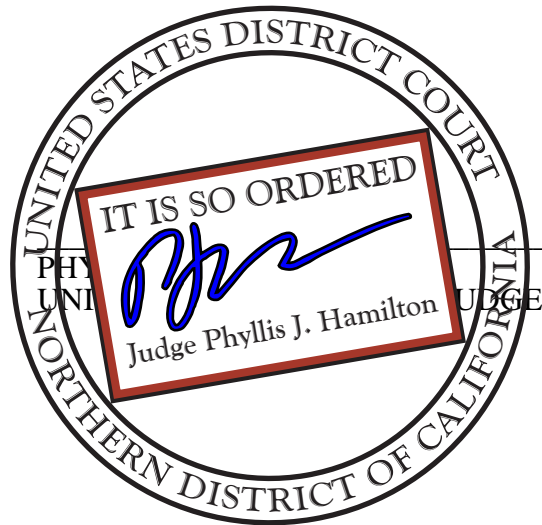
24 DATED: May 18, 2010

SEYFARTH SHAW LLP

25 By s/Sarah K. Hamilton  
26 Sarah K. Hamilton  
27 Attorneys for Defendant  
28 SAFETY-KLEEN SYSTEMS, INC.

1 IT IS SO ORDERED.

2  
3 Dated: May 26, 2010



# **EXHIBIT A**



**BERKLEY SURETY GROUP, LLC**

ACADIA INSURANCE COMPANY • BERKLEY MID-ATLANTIC GROUP • BERKLEY REGIONAL INSURANCE COMPANY  
CAROLINA CASUALTY INSURANCE COMPANY • CONTINENTAL WESTERN GROUP • UNION STANDARD INSURANCE GROUP

IN THE UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

Bond Number: 017435

Reymundo Perez, et al.

Plaintiff,

Civil Action No. C 05-5338 PJH

v. Safety-Kleen Systems, Inc.

SUPERSEDEAS BOND

Defendant.

WHEREAS, in the above entitled and numbered cause, judgment was entered on the 15th day of March, 2010 in favor of Reymundo Perez, et al., and against Safety-Kleen Systems, Inc. for the sum of 320,497.63, in the aggregate sum of 480,746.45, for which judgment Safety-Kleen Systems, Inc. desires to appeal to the United States District Court, Northern District of California, and

WHEREAS, Safety-Kleen Systems, Inc. desires to suspend the execution of said judgment, pending determination of such appeal:

NOW, THEREFORE, Berkley Regional Insurance Company having an office and principal place of business 412 Mount Kemble Avenue Suite 310N, Morristown, NJ 07960, as Surety, does hereby undertake in the sum of Four hundred eighty thousand seven hundred

forty six and 45/100 DOLLARS that if the above-named Defendant, Safety-Kleen Systems, Inc., shall satisfy the judgment herein in full together with costs, interest and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and shall satisfy in full such modification of the judgment and such costs, interest, damages as the Appellate Court may adjudge and award, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals this 13th day of April, 2010

Safety-Kleen Systems, Inc.  
By: Paul H. Thompson  
Vice President, Administration

Berkley Regional Insurance Company  
By: Barbara A. Thompson  
Barbara A. Thompson, Attorney-in-Fact

POWER OF ATTORNEY  
BERKLEY REGIONAL INSURANCE COMPANY  
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Leslie M. Patterson, Barbara A. Thompson, Kellie A. McKinney, Carolyn E. Wheeler, Novetta M. Anderson or Loretta M. Jones of National Surety Center, a Division of Marsh USA Inc. of Knoxville, TN* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed **Fifty Million and 00/100 Dollars (\$50,000,000.00)**, to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"**RESOLVED**, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

**RESOLVED**, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

**RESOLVED**, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

**RESOLVED**, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 1 day of April, 2010.

Attest:

Berkley Regional Insurance Company

(Seal)

By

Ira S. Lederman  
Senior Vice President & Secretary

By

Robert P. Cole  
Senior Vice President

**WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.**

STATE OF CONNECTICUT )  
 ) ss:  
COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 1 day of April, 2010, by Robert P. Cole and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

**EILEEN KILLEEN**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JUNE 30, 2012

Eileen Killeen  
Notary Public, State of Connecticut

**CERTIFICATE**

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 13<sup>th</sup> day of APRIL, 2010.

(Seal)

Steven Coward  
Steven Coward